

## Requiring publicizing a list of voters' rights in each polling place

HB 1517 by J. Jones (West)

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### DIGEST:

HB 1517 would have required the secretary of state to adopt rules providing for publicizing a notice of voters' rights. The notice would have had to be posted prominently in each polling place, on the secretary's Internet website, in material published by the secretary, or in another effective manner. It would have had to state that a voter has, among other rights, the right to:

- receive a ballot with written instructions on how to vote, if the ballot is a paper ballot or an electronic system ballot that uses a punching system;
- vote in secret and free from intimidation;
- receive up to two additional ballots if the voter mismarks, damages, or spoils the original ballot;
- request instructions on how to cast a ballot;
- bring an interpreter to translate the ballot and voting instructions;
- receive assistance in voting if the voter has a physical disability that renders him or her unable to write or see or cannot read the ballot language;
- cast a ballot, even if the voter's eligibility is in question, upon executing the affidavit required by law; and
- vote at any early-voting location in the voter's county of residence.

### GOVERNOR'S REASON FOR VETO:

"House Bill No. 1517 would mandate a notice of voters' rights which is inconsistent with requirements of House Bill No. 1549 [by Denny, et al.], which I have signed and which will implement the federal Help America Vote Act of 2002 in Texas.

"House Bill No. 1549 requires that a poster containing general information on voting rights and prohibited acts of fraud and misrepresentation under state and federal [law] be posted at every polling place. House Bill No. 1517 does not reference federal law nor does it list prohibited acts of fraud and misrepresentation as required by House Bill No. 1549. Accordingly, House Bill No. 1517 does not comply with federal law and is in conflict with House Bill No. 1549."

### RESPONSE:

Rep. Jesse Jones, author of HB 1517, said: "The federal Help America Vote Act requires states to educate voters of their rights as voters. HB 1517, as adopted by the Legislature, accomplished the directive of the HAVA law by requiring the secretary of state to publish and post a 'voter's bill of rights.' Although the law provided the secretary of state with a minimum listing of such rights, the intent of the measure was to give the secretary of state broad latitude to expand on this information as required by future federal or state legislation.

"Gov. Perry's veto of HB 1517 limits the state's ability to effectively carry out the directive of the federal HAVA legislation. The measure did not specifically require that the posting contain information regarding voting fraud and the consequences of such action. The provision, however, did provide the office the latitude to provide

additional information than what was required by the legislation. Furthermore, HB 1549 required the secretary of state to provide general information on prohibited acts of fraud and misrepresentation under state and federal law. The intent of HB 1517 was to work in conjunction with HB 1549, the state's enacting HAVA legislation. On the other hand, HB 1517 provided the secretary of state with a blueprint to carry out the directive of the federal law effectively. Without a legislative directive requiring that certain voters' rights be posted, the decision on which rights to be posted can vary from one election to another. Therefore, the failure to enact this legislation can lead to voter confusion from one election cycle to the next.

"The purpose of the HAVA law was to eliminate voters' confusion and increase voters' confidence in the voting process. Consequently, Gov. Perry's veto of HB 1517 will hinder Texas' ability to meet this goal."

Sen. Royce West, the Senate sponsor, had no comment on the veto.

NOTES:

HB 1517 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*. HB 1549 was analyzed in the April 23 *Daily Floor Report*.